

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Roque “Rocky” De La Fuente,

Civil No. 19-CV-2995 (DSD/HB)

Plaintiff,

VS.

Steve Simon, in his official capacity as the
Secretary of State of the State of
Minnesota,

Defendant.

AFFIDAVIT OF BIBI BLACK

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Bibi Black, being first duly sworn, deposes and says as follows:

1. I am Legal Advisor to the Office of the Secretary of State of Minnesota. I have held that position since January 2003. I also have extensive prior experience in the Office of the Secretary of State, having served in the Office since 1981 in various management and legal capacities prior to assuming my current position. This affidavit is based on my personal knowledge and review of records maintained in the normal course of business by the Office.

2. My current duties include advising the Secretary of State and the Director of Elections with regard to elections issues generally and specifically with regard to ballot formatting, creation, distribution, and absentee balloting, in compliance with Minnesota law.

3. As is required by state law, Minnesota will hold a presidential nomination primary on March 3, 2020. *See* Minn. Stat. § 207A.11(a), (b).

4. On October 25, 2019, the Office received a letter from the Republican Party of Minnesota stating that the sole candidate name that party authorized to have listed on the party's ballot for the March 3 primary is Donald J. Trump. A true and correct copy of this letter is attached as Exhibit 1.

5. On November 26, 2019, Plaintiff Roque De La Fuente commenced the instant federal lawsuit against the Secretary.

6. On December 13, 2019, De La Fuente and Minnesota resident James Martin filed a ballot-error petition in the Minnesota Supreme Court naming the Secretary of State as the respondent and seeking an order placing De La Fuente's name on the Republican ballot for the March 3 presidential nomination primary. A true and correct copy of the petition is attached as Exhibit 2.

7. On December 17, 2019, the state supreme court issued a scheduling order in the De La Fuente petition matter. A true and correct copy of the scheduling order is attached as Exhibit 3.

8. Also on December 17, the Office of the Secretary of State received a letter from the Democratic-Farmer-Labor Party naming candidates to appear on its ballot in the presidential nomination primary and requesting the inclusion of a line for uncommitted delegates.

9. On December 23, 2019, the Office of the Secretary of State received an additional letter from the Republican Party of Minnesota requesting that the Republican

ballot in the March 3 primary also include a line for voters to write in another candidate. A true and correct copy of this letter is attached as Exhibit 4.

10. Because of the Republican and Democratic letters described above, there will be two ballots available to voters at the March 3 presidential nomination primary: one pertaining to the Republican Party of Minnesota and one pertaining to the Democratic-Farmer-Labor Party. No further changes to candidate names are permitted by law.

11. Proceedings in the De La Fuente state-court petition matter took place in the manner provided in the scheduling order in Exhibit 3. After the briefing and oral argument required by that order were completed, the court issued its decision on January 9, 2020. *See De La Fuente v. Simon*, ___ N.W.2d ___, 2020 WL 230178 (Minn. Jan. 9, 2020).

FURTHER THE AFFIANT SAYETH NAUGHT.

Dated: January 22, 2020

s/ **Bibi Black**
BIBI BLACK

Subscribed and sworn to before me on
this 22nd day of January, 2020.

s/ **Nancy K. Breems**
NOTARY PUBLIC, County of Hennepin
My Commission Expires January 31, 2021